

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hugh R. Sharkey et al. Art Unit : Unknown
Serial No. : Examiner : Unknown
Filed :
Title : SURGICAL INSTRUMENT WITH OFF-AXIS ELECTRODE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Under 35 USC §120, this application relies on the earlier filing date of application serial number 09/753,786, filed on January 2, 2001, and the references listed on the accompanying Forms PTO-1449 were submitted to and/or cited by the Office in the prior application and, therefore, are not provided in this application.

This statement is being filed with the application.

Respectfully submitted,

Date: _____

July 23, 2003

Phyllis K. Kristal

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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-044002	Application No. To be assigned
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Hugh R. Sharkey et al.	
		Filing Date July 23, 2003	Group Art Unit To be assigned

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	US-379350	4-2002	Sharkey et al.			
	AB	4,074,718	02/1978	Morrison, Jr.			
	AC	5,464,023	11/1995	Viera			
	AD	5,897,553	04/27/99	Mulier et al.			
	AE	6,113,591	09/05/00	Whayne et al.			
	AF	6,277,112	08/21/01	Underwood et al.			
	AG						
	AH						
	AI						
	AJ						
	AK						

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AQ	
	AR	
	AS	
	AT	

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

INFORMATION DISCLOSURE CITATION PTO-1449			ATTY. DOCKET NO.		SERIAL NO.		
			APPLICANT Sharkey et al.				
			FILING DATE		GROUP To be assigned		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,487,757	1/30/96	Truckai et al.	607	122		
	5,500,012	3/19/96	Brucker et al.	607	122		
	5,599,356	4/4/97	Edwards et al.	606	41		
	5,267,994	12/7/93	Gentelia et al.	606	15		
	5,423,806	6/13/95	Dale et al.	606	15		
	4,601,705	7/22/86	McCoy	604	94		
	5,242,439	9/93	Larsen et al.	606	15		
	5,437,661	8/95	Rieser	606	15		
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	Auhll, Richard A., "The Use of the Resectoscope in Gynecology." Biomedical Business International, October 11, 1990, pp. 91-93.						
EXAMINER			DATE CONSIDERED				

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	5,697,909	12/16/97	Eggers, et al.	604	114	5/10/94	
	5,683,366	11/4/97	Eggers, et al.	604	114	11/22/95	
	5,681,282	10/28/97	Eggers, et al.	604	114	4/11/95	
	5,308,311	5/3/94	Eggers, et al.	606	28	5/1/92	
	5,009,656	4/23/91	Reimels	606	48	8/17/89	
	4,476,862	10/16/84	Pao	128	303.17	9/30/82	
	5,524,338	6/11/96	Martyniuk, et al.	29	825	12/22/94	
	4,907,589	3/13/90	Cosman	606	34	4/29/88	
	5,630,839	5/20/97	Corbett, III, et al.	607	137	8/18/95	
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 98/07468	26.02.98	PCT	A61N	1/40		
	WO 96/39914	19.12.96	PCT	A61B	1/00		
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	Cosset, J.M., Resistive Radiofrequency (Low Frequency) Interstitial Heating (RF Technique), Interstitial Hyperthermia, 12/6/93, pp. 3-5, 37						
	Ellman International Mfg., Inc., 1989, Catalog, pp. 1-15, 20						
	Attachment I: Competitive Literature on Generators with Bipolar Capabilities, IME Co., Ltd. pp. 60-86						
	Attachment II: Competitive Literature on Bipolar Forceps and Footswitch Controls, IME Co., Ltd. pp. 87-104						
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	3,178,728	4-20-65	Christensen	3	1	10-22-62	
	3,579,643	5-25-71	Morgan	3	1	12-12-68	
	3,776,230	12-4-73	Neefe	128	260	4-18-73	
	3,867,728	2-25-75	Substad et al.	3	1	4-5-73	
	3,879,767	4-29-75	Substad	3	1	2-11-74	
	3,886,600	6-3-75	Kahn et al.	3	1	9-26-73	
	3,938,198	2-17-76	Kahn et al.	3	1.912	9-27-73	
	3,987,499	10-26-76	Scharbach et al.	3	1.91	8-9-74	
	3,992,725	11-23-76	Homsy	3	1	10-17-74	
	4,043,342	8-23-77	Morrison, Jr.	128	303.14	2-26-76	
	4,085,466	4-25-78	Goodfellow et al.	3	1.91	8-4-77	
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	637118	15/12/78	U.S.S.R.	A61B	17/18		XX
	1 340 451	12/12/73	Great Britain	A61F	1/00		
	1,122,634	11/09/56	France	A61F	19/0		XX
	0 479 482 A1	08/04/92	Europe	A61B	17/39		
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	0 542 412 A1	19/05/93	Europe	A61B	17/39		
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	Christian, C. et al., "Allograft Anterior Cruciate Ligament Reconstruction with Patellar Tendon: An Endoscopic Technique", <i>Operative Techniques in Sports Medicine</i> , Vol. 1, No. 1, Jan. 1993, pp. 50-57.						
	Houpt, J. et al., "Experimental Study of Temperature Distributions and Thermal Transport During Radiofrequency Current Therapy of the Intervertebral Disc", <i>SPINE</i> , Vol. 21, No. 15, (1996), pp. 1808-13.						
	Troussier, B. et al., "Percutaneous Intradiscal Radio-Frequency Thermocoagulation: A Cadaveric Study", <i>SPINE</i> , Vol. 20, No. 15, (Aug. 1995), pp. 1713-18.						
EXAMINER			DATE CONSIDERED				

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	4,129,470	12-12-78	Homsy	156	155	6-7-76	
	4,224,696	9-30-80	Murray et al.	3	1.911	9-8-78	
	4,224,697	9-30-80	Murray et al.	3	1.911	9-8-78	
	4,326,529	4-27-82	Doss et al.	128	303.1	12-5-79	
	4,344,193	8-17-82	Kenny	3	1.911	11-28-80	
	4,362,160	12-7-82	Hiltebrandt	128	303.15	7-17-80	
	4,375,220	3-1-83	Matvias	128	804	5-9-80	
	4,381,007	4-26-83	Doss	128	303.1	4-30-81	
	4,397,314	8-9-83	Vaguine	128	399	8-3-81	
	4,483,338	11-20-84	Bloom et al.	128	303.13	6-12-81	
	4,517,965	5-21-85	Ellison	128	20	6-27-83	
	4,517,975	5-21-85	Garito et al.	128	303.13	6-6-83	
	4,593,691	6-10-86	Lindstrom et al.	128	303.14	7-13-83	
	4,597,379	7-1-86	Kihn et al.	128	1 R	3-30-83	
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						YES	NO
	0 572 131 A1	01/12/93	Europe	A61B	17/39		
	WO 85/02762	04/07/85	PCT	A61B	17/36		XX
	WO 93/01774	04/02/93	PCT	A61F	7/12		XX
	WO 95/20360	03/08/95	PCT	A61B	17/39		
	WO 95/30373	16/11/95	PCT	A61B	17/00		
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
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U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	4,811,733	3-14-89	Borsanyi et al.	128	303.14	12-29-86	
	4,873,976	10-17-89	Schreiber	128	334 R	2-28-84	
	4,894,063	1-16-90	Nashef	623	13	5-24-83	
	4,895,148	1-23-90	Bays et al.	606	213	3-22-89	
	4,907,585	3-13-90	Schachar	606	28	12-3-87	
	4,924,865	5-15-90	Bays et al.	606	77	5-16-88	
	4,944,727	7-31-90	McCoy	604	95	10-2-87	
	4,950,234	8-21-90	Fujioka et al.	604	60	5-25-88	
	4,966,597	10-30-90	Cosman	606	50	11-4-88	
	4,976,709	12-11-90	Sand	606	5	6-30-89	
	4,976,715	12-11-90	Bays et al.	606	77	1-30-90	
	4,998,933	3-12-91	Eggers et al.	606	41	6-10-88	
	5,007,908	4-16-91	Rydell	606	47	9-29-89	
	5,100,402	3-31-92	Fan	606	41	10-5-90	
	5,103,804	4-14-92	Abele et al.	128	4	7-3-90	
	5,178,620	1-12-93	Eggers et al.	606	41	2-22-91	
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EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,191,883	3-9-93	Lennox et al.	128	401	5-22-90	
	5,201,729	4-13-93	Hertzmann et al.	606	2	11-30-90	
	5,201,730	4-13-93	Easley et al.	606	4	1-3-92	
	5,213,097	5-25-93	Zeindler	128	401	7-13-92	
	5,230,334	7-27-93	Klopotek	128	399	1-22-92	
	5,242,441	9-7-93	Avitall	606	41	2-24-92	
	5,261,906	11-16-93	Pennino et al.	606	46	12-9-91	
	5,275,151	1-4-94	Shockey et al.	128	4	12-11-91	
	5,284,479	2-8-94	de Jong	604	60	7-13-92	
	5,304,169	4-19-94	Sand	606	5	8-17-92	
	5,311,858	5-17-94	Adair	128	4	6-15-92	
	5,320,115	6-14-94	Kenna	128	898	1-16-91	
	5,323,778	6-28-94	Kandarpa et al.	128	653.2	11-5-91	
	5,334,193	8-2-94	Nardella	606	41	11-13-92	
	5,348,554	9-20-94	Imran et al.	606	41	12-1-92	
	5,366,443	11-22-94	Eggers et al.	604	114	10-9-92	
	5,433,739	7-18-95	Sluijter et al.	607	99	11-2-93	
	5,458,596	10-17-95	Lax et al.	606	31	5-6-94	
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EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,465,737	11-14-95	Schachar	128	898	1-30-95	
	5,484,403	1-16-96	Yoakum et al.	604	59	4-5-94	
	5,484,432	1-16-96	Sand	606	5	4-14-94	
	5,484,435	1-16-96	Fleenor et al.	606	46	11-8-93	
	5,507,812	4-16-96	Moore	623	13	4-26-94	
	5,514,130	5-7-96	Baker	606	41	10-11-94	
	5,542,920	8-6-96	Cherif Cheikh	604	57	9-12-94	
	5,569,242	10-29-96	Lax et al.	606	42	2-16-95	
	2,090,923	8-24-37	Wappler	128	303.15	7-12-35	
	3,856,015	12-24-74	Iglesias	128	303.15	6-8-73	
	3,945,375	3-23-76	Banko	128	6	4-30-73	
	4,134,406	1-16-79	Iglesias	128	303.15	10-7-77	
	4,590,934	5-27-86	Malis et al.	128	303.14	5-18-83	
	4,651,734	3-24-87	Doss et al.	128	303.14	2-8-85	
	4,815,462	3-28-89	Clark	128	305	4-6-87	
	4,838,859	6-13-89	Strassmann	604	95	5-19-87	
	4,955,882	9-11-90	Hakky	606	14	3-30-88	
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	5,085,657	2-4-92	Ben-Simhon	606	42	10-9-90	
	5,098,430	3-24-92	Fleenor	606	42	3-16-90	
	5,186,181	2-16-93	Franconi et al.	128	804	7-27-90	
	5,192,267	3-9-93	Shapira et al.	604	22	3-28-91	
	5,342,357	8-30-94	Nardella	606	40	11-13-92	
	5,352,868	10-4-94	Denen et al.	219	501	5-1-92	
	5,354,331	10-11-94	Schachar	623	4	7-15-92	
	5,364,395	11-15-94	West, Jr.	606	46	5-14-93	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 92/10142	25/06/92	PCT	A61B	17/36		
	WO 93/20984	28/10/93	PCT	B26D	1/11		
	WO 95/01814	19/01/95	PCT	A61N	5/02		
	WO 95/13113	18/05/95	PCT	A61N	5/02		
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	Beadling, L., "Bi-Polar electrosurgical devices: Sculpting the future of arthroscopy", <i>Orthopedics today</i> , Vol. 17, No. 1, January 1997, 4 pages.						
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	5,366,490	11-22-94	Edwards et al.	607	99	12-22-93	
	5,382,247	1-17-95	Cimino et al.	606	33	1-21-94	
	5,397,304	3-14-95	Truckai	604	95	6-29-93	
	5,401,272	3-28-95	Perkins	606	15	2-16-94	
	5,415,633	5-16-95	Lazarus et al.	604	95	7-28-93	
	5,437,662	8-1-95	Nardella	606	40	2-17-94	
	5,451,223	9-19-95	Ben-Simhon	606	42	7-26-94	
	5,688,270	11-18-97	Yates et al.	606	51	1-18-95	
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	WO 97/06855	27/02/97	PCT	A61N	1/40		
	0 257 116 A1	02/03/88	Europe	A61N	1/36		
	0 274 705 A1	20/07/88	Europe	A61M	23/00		XX
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	0 682 910 A1	22/11/95	Europe	A61B	1/00		XX
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	0 737 487 A2	16/10/96	Europe	A61M	25/01		
	0 783 903 A1	16/07/97	Europe	A61N	5/04		XX
	DE3511107A1	02/10/86	Germany	A61B	17/39		XX
	DE3632197A1	31/03/88	Germany	A61B	10/00		XX
	JP 5-42166	05/1993	Japan	A61B	17/39		XX
	2 164 473 A	19/03/86	Great Britain	A61B	17/36		
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	5,114,402	5/19/92	McCoy	604	95		
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						YES	NO
	WO 92/05828	4/16/92	PCT	A61M	25/00		
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	WO 96/34559	11/07/96	PCT	A61B	5/0402		
	WO 98/17190	4/30/98	PCT	A61B	18/00		
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER			DATE CONSIDERED				

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INFORMATION DISCLOSURE CITATION PTO-1449			ATTY. DOCKET NO.		SERIAL NO.		
			APPLICANT Sharkey et al.				
			FILING DATE		GROUP To be assigned		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,201,731	4/13/93	Hakky	606	15		
	5,498,258	3/12/96	Hakky et al.	606	15		
	5,527,331	6/18/96	Kresch et al.	606	170		
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	5,728,795	7/21/98	Bays	606	22		
	5,810,809	8/22/98	Rydell	606	49		
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
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			APPLICANT Hugh R. Sharkey et al.				
			FILING DATE		GROUP To be assigned		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,364,395	11/15/94	West, Jr.				
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 82/02488	8/05/82	PCT	A61B	17/39		
	WO 93/16648	9/02/93	PCT	A61B	17/32		
	WO 95/10981	4/27/95	PCT	A61B	8/12		
	WO 95/25471	9/28/95	PCT	A61B	17/39		
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	2 645 008	10/05/90	France	A61B	17/32		
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EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	4,074,718	2/21/78	Morrison, Jr.	128	303.14		
	5,085,659	2/04/92	Rydell	606	47		
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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	2 645 008	3/28/89	France	A61B	17/32		
	WO 93/16648	9/02/93	PCT	A61B	17/32		
	WO 95/25471	9/28/95	PCT	A61B	17/39		
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				Filing Date	
				First Named Inventor	
				Group Art Unit	
				Examiner Name	
				Not Assigned	
Sheet 1 of 4				Attorney Docket Number	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
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	B1	300,155		STARR	06/10/1894	
	C1	371,664		BRANNAN et al.	10/18/1887	
	D1	452,220		GUNNING	05/12/1891	
	E1	1,314,855		CARPENTER	09/02/1919	
	F1	1,366,756		WAPPLER	01/25/1921	
	G1	1,731,627		JOHNSON et al.	10/15/1929	
	H1	1,735,271		GROFF	12/12/1929	
	I1	1,814,791		ENDE	07/14/1931	
	J1	1,908,583		WAPPLER	05/09/1933	
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	Q1	2,050,904		TRICE	08/11/1936	
	R1					

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Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ² (if known)				
	S1	GB	2,160,102	A	RICHARD WOLF GmbH	12/18/1985		
	T1							
	U1							
	V1							
	W1							
	X1							
	Y1							
	Z1							

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				Group Art Unit	
Examiner Name				Not Assigned	
Sheet	2	of	4	Attorney Docket Number	

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		Number	Kind Code ² (if known)			
	A2	2,056,377		WAPPLER	10/06/1936	
	B2	2,224,464		WOLF	12/10/1940	
	C2	2,275,167		BIERMAN	03/03/1942	
	D2	2,888,928		SEIGER	06/02/1959	
	E2	3,152,590		ZURDO et al.	10/13/1964	
	F2	3,163,165		ISAKAWA	12/29/1964	
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	H2	3,595,239		PETERSEN	07/27/1971	
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	J2	3,828,780		MORRISON, JR.	08/13/1974	
	K2	3,870,047		GONSER	03/11/1975	
	L2	3,901,242		STORZ	08/26/1975	
	M2	3,902,494		HABERLIN	09/02/1975	
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	O2	3,920,022		PASTOR	11/18/1975	
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First Named Inventor		Hugh R. Sharkey					
Group Art Unit							
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	A3	4,927,420		NEWKIRK et al.	05/22/1990	
	B3	5,277,696		HAGEN	01/11/1994	
	C3	5,281,218		IMRAN	01/25/1994	
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	E3	5,786,705		BAKER	07/28/1998	
	F3	6,135,999		FANTON et al.	10/24/2000	
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		Filing Date			
		First Named Inventor	Hugh R. Sharkey		
		Group Art Unit			
Examiner Name	Not Assigned				
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A4	LEE BEADLING, <i>Bi-Polar electrosurgical devices: Sculpting the future of arthroscopy</i> , ORTHOPEDICS TODAY, January 1997, Vol. 17, No. 1, SLACK, Inc., Medical Publisher.	
	B4		
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